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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,249

01/21/2004

Kia Silverbrook

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SILVERBROOK RESEARCH PTY LTD  
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EXAMINER

FIDLER, SHELBY LEE

ART UNIT

PAPER NUMBER

2861

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,249	<b>Applicant(s)</b> SILVERBROOK, KIA	
	<b>Examiner</b> SHELBY FIDLER	<b>Art Unit</b> 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



## DETAILED ACTION

### *Responsive Office Action*

This Office Action is responsive to the remarks and amendments filed 3/27/2008.

### *Claim Objections*

Claim 5 is objected to because of the following informalities: please change "internal volume contains" (newly amended language) to "internal volume containing" so as to place the claim in proper sentence format. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brugue et al. (2004/0201641 A1) in view of Gragg et al. (US 5467118) and Kobayashi et al. (US 6213600 B1).

### **Regarding claim 5:**

**Brugue discloses** a printer cartridge for an inkjet printer, the printer cartridge comprising:

a body (body 204) that is configured for user insertion in, and removal from, a printer (paragraph 17);

a pagewidth printhead (printhead assembly 102) with an array of nozzles (paragraph 21) for ejecting different printing fluids onto a media substrate (paragraph 15), each of the nozzles being dedicated to one of the different printing fluids only (e.g. paragraph 31);

a plurality of printing fluid reservoirs in the body for storing each of the different printing fluids separately (inherent to the disclosure of providing different colors in paragraph 31), each of the plurality of printing fluid reservoirs being in fluid communication with the nozzles of the array that correspond to its printing fluid (paragraph 31); and,

a refill port on the body (inherent to the local reservoir refilling disclosed in paragraph 17).

**Brugue does not expressly disclose** that the refill port has a plurality of inlets, or that each of the printing fluid reservoirs has a flexible membrane.

**However, Gragg et al. disclose** a printer cartridge (pen 12) that has a refill port (reservoir refilling port 34) having a plurality of inlets (reservoir fill holes 80), each of the inlets being in fluid communication with one of a plurality of printing fluid reservoirs only (col. 6, lines 9-13) such that each of the printing fluid reservoirs can be individually refilled to replace printing fluid ejected by a printhead (col. 4, lines 49-55), and

each of the printing fluid reservoirs having a flexible membrane (inkbag) that has an expanded configuration when the printing fluid reservoir is full and a collapsed

configuration when the printing fluid is ink depleted such that the printing fluid reservoir defines an internal volume that contains printing fluid only (col. 5, lines 41-46).

**Brugue as modified by Gragg et al. does not expressly disclose** that, during printing, the refill port is closed and disengaged from any source of refill printing fluid.

**However, Kobayashi et al. disclose** a printer cartridge comprising a refill port that, during printing, is covered with a label (49) so as to be closed and disengaged from any source of refill printing fluid (col. 14, lines 25-36).

Because both Brugue and Gragg et al. disclose refill ports in an ink cartridge, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to substitute Gragg et al.'s refill port for Brugue's to achieve the predictable result of providing an ink cartridge that is capable of refilling its internal ink reservoirs. Further, it would have been obvious to cover the refill port with a label, such as disclosed by Kobayashi et al., into Brugue's modified ink cartridge, since Kobayashi et al. teach that these labels allow the ink cartridge to be judged as being a genuine ink cartridge. Consequently, this label allows subsequent printing operations to be carried out without any problem (col. 14, lines 32-36).

### ***Response to Arguments***

Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection. Please see the above obviousness rejection based on the disclosures provided by Brugue, Gragg et al., and Kobayashi et al. A logical combination of these teachings shows that it would have been obvious to provide

an ink cartridge having printing fluid reservoirs that define an internal volume containing only printing fluid (via inkbags).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Communication with the USPTO***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHELBY FIDLER whose telephone number is (571)272-8455. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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